IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 19364 of 2007(E)

OS.450/2000 of ADDL.MUNSIFF COURT,NEDUMANGAD

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PETITIONER:

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1. GEETHA, D/O. BHASURANGI,
   SURESH BHAVAN, AMBURI, NEYYATTINKARA.

2. SURENDRAN, S/O.SASI,
   SURESH BHAVAN, AMBURI, NEYYATTINKARA.

BY ADV. SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SRI.V.VINAY MENON
SRI.KIRAN SANKAR

RESPONDENTS:

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1. SUDHAKARAN,
   ROADARIKATTU VEEDU, BOUNDARY MUKKU,
   PARANDODE, ARYANADU.

2. SANAL,
   ROADARIKATTU VEEDU, BOUNDARY MUKKU,
   PARANDODE, ARYANADU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 19364 OF 2007 E

Dated this the 25th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash the order Ext.P12 in O.S.450/00 pending before the Additional Munsiff, Nedumangad. The plaintiffs are the writ petitioners. The plaintiffs have filed a suit for recovery of possession of the property. To start with an extent of 1 acre and 50 cents and subsequently by amendment reduced to 1 acre and 47 1/2 cents. The defendants are claiming property under a document. The extent is 74 cents. The property belong to one person and the plaintiffs are the legal heirs of that person. Suppose the plaintiff is entitled to 1 acre and 47 1/2 cents and the total extent of property is only 2 acres and 3 cents then the defendants may not be entitled to 74 cents. But if the transfer in favour of the defendants is established and that they have got 74 cents of land then the case may turn round against the plaintiff. So, in order to properly evaluate the matter the trial court has directed the commissioner to locate the properties in accordance with the respective title deeds of the parties and also demarcate the entire 2 acres and 3 cents and also with reference to the boundaries. I think, if the property is identified in that

fashion, it may give a clear picture for the court and the parties for a proper determination of the matter. Therefore, the order under challenge does not call for any interference and if additional particulars are necessary both the parties can file work memo before the commissioner and request him to do it so that the entire materials will be available with the court. I make it clear that my observations in this judgment shall not be taken as a ground for deciding the issue and the court has to take its decision independently. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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